

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

Antheus Technology, Inc.,

Defendant.

CASE NO. 6:12-cv-686 MHS

CONSOLIDATED CASE

Jury Trial Demanded

AGREED MOTION TO DISMISS

Plaintiff Blue Spike, LLC (“Blue Spike”) and Defendant Antheus Technology, Inc. (“Antheus”) file this Agreed Motion to Dismiss under Fed. R. Civ. P. 41(a)(1)(A)(ii). Blue Spike and Yahoo! agree that:

1. Blue Spike consents to dismissal without prejudice of all of its claims against Antheus in this suit.
2. Antheus consents to dismissal without prejudice of all of its claims against Blue Spike in this suit.
3. Blue Spike and Antheus shall each bear their own attorney fees and costs incurred in connection with this action.

Respectfully submitted,

/s/ Randall T. Garteiser

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on February 28, 2013.

/s/ Randall T. Garteiser

CERTIFICATE OF CONFERENCE

I certify that on behalf of Blue Spike, LLC, I have met and conferred with counsel for Defendant on May 3, 2013 regarding the relief requested herein. Counsel for Defendant has agreed to this motion.

/s/ Christopher A. Honea